

NEWS NOTES

of the Central Committee for Conscientious Objectors

Vol. 9, No. 7, November-December, 1957

Philadelphia, Pa.

Former Reservist Gets Two Years

Wisconsin C.O. Resigns from Navy Unit Later Refuses Civilian Work Draft

William Wendell Henry, former Naval Reservist, was sentenced October 31 in Madison, Wisconsin to two years imprisonment. Federal Judge Stone found Henry guilty of refusing to report for civilian work as ordered by his draft board.

While a sophomore in college Henry became interested in pacifism through contact with the Friends Service Committee work camps and various members of the Fellowship of Reconciliation. Once when asked the question, "Do you think Jesus would go into the Army?" he replied "Sure." Gradually his thinking changed and he became a pacifist. He resigned from the Naval Reserve, dropped out of officers training school, and applied for a C.O. classification from his draft board in Portage, Wisconsin. He was given a I-O classification in the summer of 1953.

A year later William Henry took the absolutist position and refused further cooperation with the draft. Late in 1956 he was ordered to civilian work on a county-operated farm in Wisconsin. He refused to report and was arrested last April by the F.B.I.

Henry entered a plea of *nolo contendere* at his trial, October 8. Judge Stone continued the case for two weeks and asked the defendant to reconsider his position. When brought back into court October 31, Henry again refused to accept civilian work. He was given opportunity before sentencing to read to the court a brief statement of his religious objections to military service and cooperation with the draft.

Students Ask ROTC End

The University of Wisconsin Student Senate recently voted 27-3 to end compulsory ROTC. Prof. John Armstrong, faculty representative to the Student Senate did not vote. He stated that he could not go along with the resolution which he viewed as an "endorsement of the Republican policies of reducing armed forces manpower."

The Senate, which represents all university students, will seek faculty and state legislative action to eliminate compulsory military training.

Don Hoffman, Senate president stated that action was taken because "ROTC is contrary to the established principles of democratic education at the university." Hoff-

Objector Jumps Bail

Nick Allen Klubnikin, Molokan C.O. from the Los Angeles area, was found guilty last June of bail jumping. He was sentenced to five years imprisonment by the U. S. District Court.

Late in 1954, Klubnikin was convicted of refusal to accept induction into the military. Federal Judge Carter sentenced him to four years imprisonment. Klubnikin entered an appeal but the court denied bail, and Klubnikin remained for a few months in the Los Angeles County jail. His relatives retained an attorney to request bail from the U. S. Circuit Court. Early in 1955 Klubnikin was released from the county jail on \$5,000 appeal bond.

The U. S. Court of Appeals for the Ninth Circuit upheld Klubnikin's conviction. He was ordered to surrender to the U. S. Marshal in May, 1956. When Klubnikin failed to surrender the court ordered the \$5,000 bond forfeited.

It was reported to CCCO recently that Nick Klubnikin had left the United States for Lower California where he engaged in farming.

A year later Klubnikin returned, or was brought back, to the United States and indicted for jumping bail. Bond was fixed at \$50,000. The court also remitted the forfeiture of the \$5,000 bond to Klubnikin's relatives.

Klubnikin began serving his four-year draft sentence last May at the Federal Correctional Institution, Terminal Island, California. Pending appeal on the bail jumping charge, Klubnikin elected not to commence service on that sentence.

This is the first case known to CCCO in which a conscientious objector had his bail forfeited. CCCO, local C.O. agencies, friends and relatives of conscientious objectors have provided bail for hundreds of other C.O.'s since the draft law went into effect in 1948.

man said that students should be free to choose their courses.

The resolution stated that compulsory military training was a wartime measure adopted in 1943, but no longer needed.

At present, all Wisconsin male students must take two years of ROTC. An act of the state legislature is required to end compulsory ROTC and institute a voluntary program.

Last spring a student organization picketed the Armed Forces Day parade. In student elections, candidates campaigning against compulsory ROTC were voted into office with overwhelming majorities.

Legal Counsel Appointed

Caleb Foote, Philadelphia, and Albon Man, New York City, were appointed recently by the CCCO committee to serve as staff counsel for the Central Committee, on a part-time basis. Foote was formerly executive secretary of CCCO and is now professor of criminal law at the University of Pennsylvania. Albon Man, recently admitted to the bar in New York City, is employed by Prentiss-Hall Publishing Company. Both have been members of the CCCO committee for several years.

As staff counsel Foote and Man will assist CCCO in determining which legal cases should be given financial assistance. They will give legal opinions on various points of law arising out of C.O. cases. They will also be available to help in appeals being supported by CCCO.

The extent of work to be done by the staff counsel will depend largely upon CCCO's ability to raise funds earmarked for legal work over and above the regular operating budget.

Court Acquits Sledge

Thomas Sledge was acquitted in the U. S. District Court in Philadelphia last September of the charge of refusing induction into the armed forces. Judge Francis L. Van Dusen handed down the acquittal.

Sledge, a member of the Church of Our Lord Jesus Christ in Philadelphia, first requested a C.O. classification from his draft board in 1949. His request was denied in 1951 and he was placed in Class 1-A, available for military duty. Sledge did not understand his right to appeal this classification and failed to enter an appeal. Two years later he refused to accept induction into the armed forces. The U. S. District Attorney refused to prosecute however, and advised the local board to reopen Sledge's classification.

His draft board again classified Sledge 1-A, but instructed him to appeal to the state appeal board. Subsequently the Department of Justice Hearing Officer advised against a C.O. classification, stating that Sledge was unable to quote the Ten Commandments, or to recite other appropriate Bible verses in support of his religious objections to war. The appeal board classified Sledge 1-A. Sledge informed his draft board that under no circumstances could he accept any military duty.

Because of the Gonzales decision by the U. S. Supreme Court holding that a C.O. is entitled to make a written rebuttal to the Department of Justice's recommendation, the local board reopened Sledge's case and classified him 1-A for the third time. The board, however, made no effort to inform Sledge as to why his classification was reopened, or of his right to appeal. Sledge did not appeal and was ordered inducted into the armed forces in January, 1956.

Sledge first sought the help of CCCO late in 1955. The government appeal agent was persuaded to request the board to reopen Sledge's case. Pennsylvania and National Selective Service headquarters refused to reopen the case, and succeeded in getting the appeal agent to withdraw his request. Sledge refused induction and was subsequently indicted by a Federal Grand Jury.

The government prosecutor contended that the only

issue before the court was whether or not Sledge had failed to accept induction. Counsel for the defendant, Emerson Darnell, contended that Sledge had been denied due process by the failure of the draft board to fully advise the defendant, whose education was limited, of his rights.

In acquitting Thomas Sledge, Judge Van Dusen ruled that under the Gonzales decision the local board was required to assign an advisor to a draftee of limited educational background to orally advise the registrant of all his rights. Failing that, the draft board must call the registrant in before the board and inform him of his rights, every step of the way.

Judge Van Dusen also asked the draft board to give full consideration to Sledge's C.O. claim, stating that the court was impressed with the sincerity of his convictions.

If Sledge is given a 1-O classification he will then be available for civilian work immediately. If his board again denies him a C.O. classification, Sledge will have to begin another appeal.

C.O. Refuses Civilian Work

Federal Judge Frank L. Kloebe sentenced Mose L. Swartzentruber, Amish C.O. from Apple Creek, Ohio, to 18 months imprisonment and a fine of \$1,000.

Swartzentruber was tried in the U. S. District Court in Toledo, Ohio, September 13. He pleaded no defense to the charge of refusing to perform agricultural work at the Wyandot County Home, Upper Sandusky, Ohio, as ordered by his draft board. Swartzentruber informed the court that his religious beliefs would not permit him to participate in any form of work which was connected, directly or indirectly, to war activity.

Judge Kloebe told the defendant he had a "distorted conception" of duty to his country and that the performance of the agricultural work would in no way conflict with the religious principles of the Amish.

Many Amish C.O.'s have performed civilian work as conscientious objectors under the draft law. However, several Amish C.O.'s have gone to prison rather than compromise their religious beliefs.

Eichel Released from Prison

Seymour Eichel, Brooklyn, New York, was released from Danbury Correctional Institution, October 16, after serving nine months of a one-year sentence. He was denied parole at the end of one-third of his sentence and finally was released on good time. Eichel was sentenced last year by Federal Judge Robert A. Inch in New York City for refusing to accept induction into the armed forces.

Eichel began his sentence December 21 at the Federal Detention Center in New York City. In protest against his imprisonment as a C.O. he began a hunger strike. After several days of fasting prison authorities transferred Eichel to the Federal Correctional Institution at Danbury, Conn. He continued the fast for thirty days.

Eichel refused to request parole, and efforts of his friends to secure a parole on his behalf ended in failure. In protest against his imprisonment Seymour's mother, Esther Eichel, picketed the White House for several days.

Briefly Noted

December 1 has again been designated "Prisoners for Peace Day" in the United States, Great Britain, Norway, Denmark, and Israel in honor of all conscientious objectors in prison. The War Resisters League is planning a demonstration in front of the White House on December 1.

* * *

Kim Kyong-Tae is reported to be the third Korean C.O. to go to prison for refusing to perform military duty in the army of South Korea. He was recently sentenced to one year imprisonment in Seoul. South Korea does not exempt conscientious objectors from military service.

* * *

The Church of the Brethren, in its 171st Annual Conference held in Richmond, Virginia, earlier this year, urged all members of the church to refuse "to submit to military conscription or to work in defense industries." The conference, representing 200,000 members in the United States, reaffirmed that its members should "neither participate in war nor learn the art of war . . ."

* * *

International Christian Service was recently organized in Europe to care for the concerns of European conscientious objectors. This new agency has the support of the Mennonite and Brethren churches.

* * *

James T. Ragsdale, a member of the Church of Our Lord Jesus Christ in Philadelphia, was released from the army recently with a general discharge under honorable conditions. After completing basic training at Ft. Belvoir, Virginia, Ragsdale applied for discharge as a conscientious objector opposed to all military duty. He informed military authorities that he could no longer wear the uniform. Shortly afterwards, he was discharged.

* * *

The 1958 Peace Calendar is now available from the War Resisters League. One full page per week; 53 significant quotations; important peace and race relations anniversary dates; anti-war decorative motif. An appropriate holiday gift. \$1.25 each; 6 for \$7.00. Order from WRL, 5 Beekman Street, New York City 38.

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CCCO's emergency, after-hours telephone number is CANal 7-0869J. All calls should be made person-to-person to George Willoughby, Blackwood Terrace, New Jersey, at the above number.

* * *

We remind our many and faithful supporters that contributions to CCCO are not deductible for income tax purposes. The more men we keep out of prison the less the prison bureau needs, and theoretically, at least, the more you save!

* * *

The draft board of West Carroll Parish, Louisiana, was reported recently to have resigned in protest against the use of Federal troops in Little Rock, Arkansas. Their letter of resignation stated that "We will not lend our support during our term or be instrumental in any way in calling into service any of the young men of our community to be used for such a purpose."

Frozen Fund Remains Frozen

The National Service Board for Religious Objectors and related church groups were unsuccessful this past year in efforts to get a bill introduced into Congress to appropriate \$1,400,000 of the C.O. frozen fund for use in war relief and rehabilitation.

This amount represents wages earned by conscientious objectors doing farm work during World War II. C.O.'s assigned to farm work were denied the going wage. Their employers were required to pay earned wages directly into the U. S. Treasury.

The government had agreed originally that these funds were to accrue to the National Service Board for war relief and rehabilitation. While some of the funds were used during the war to finance work projects operated by NSBRO, the larger portion was deposited in the U. S. Treasury and still remains there. Previous efforts to get Congress to appropriate these funds to NSBRO have all failed.

The C.O. farm work program during World War II amounted to approximately one million man-days contributed by 1,200 C.O.'s. Private employers paid the going rate of wages, and each C.O. received an allowance of only \$15.00 per month, with the balance of his earnings being paid to the government.

A new effort will be made to get a bill introduced in Congress in January. Selective Service is reported favorable to this appropriation.

Cupp Gets Honorable Discharge

Orville Cupp, Denver, Colorado, was released recently from the U. S. military prison at Fort Leavenworth, Kansas. The Board of Review of the Air Force changed his discharge from dishonorable to honorable, but denied veterans' rights to him.

Cupp was sentenced last fall to 5½ years imprisonment for refusing to salute an officer and to perform his duties as a gunnery officer. He stated that these duties conflicted with the teachings of the Jehovah's witnesses, to which he was converted after entering the Air Force. The review board later reduced his sentence to nine months.

The American Civil Liberties Union took part in the review hearing at Washington. The Union argued that Cupp's courtmartial violated his freedom of religion as guaranteed by the First Amendment.

In granting Cupp an honorable discharge the review board conceded that he was "sincere in his religious beliefs" and that he had not been malicious in committing the offenses. The board ruled that his First Amendment rights had not been violated and that his punishment was not excessive.

THE COURT REPORTER

I PROSECUTIONS

Sentences not previously reported

9-13-57 Mose L. Swartzentruber, 18 months and \$1,000, (Toledo, Ohio) Judge Frank L. Kloeb, refusal of civilian work

Sentences confirmed since last issue

10-31-57 William W. Henry, 2 years, (Madison, Wisc.) Judge Stone, refusal of civilian work

Appeals not previously reported

5-11-56 Nick A. Klubnikin, conviction affirmed, 9th Circuit Court of Appeals

Arrests

Ohio—Mose L. Swartzentruber

Florida—Archie Young

(An error was made in the September-October issue of NEWS NOTES reporting the arrest of Stanley G. Sabin. He is still awaiting arrest.)

Acquittals

9-26-57 Thomas Sledge, (Philadelphia) Judge Van Dusen

(All prosecutions for refusal to report for or submit to induction unless otherwise noted.)

II RELEASED FROM PRISON

On Parole

10-29-57 Gerald Smith

Good time

10-17-57 Seymour Eichel

III MEN CURRENTLY IMPRISONED

Federal Correctional Institution, Danbury, Conn.—

Aaron W. Hoover, Earl H. Martin, Jesse J. Tolbert

Federal Prison Camp, Mill Point, W. Virginia—

Mose L. Swartzentruber

Federal Correctional Institution, Terminal Island, Calif.—

Vern Davidson, Nick A. Klubnikin, John Martinson

Federal Prison Camp, Tucson, Ariz.—

Joe Mike Ayres, Arthur P. Clark

Institution not verified—William W. Henry

Total number of C.O.'s convicted since 1948 to date: 329. (This is a minimum number; J.W.'s and Muslims are not included, and we miss a few.)

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Philadelphia 3, Pa.

SEND CHRISTMAS GREETINGS

Only a few C.O.'s will be in prison this Christmas. Every year NEWS NOTES reminds its readers that they can send Christmas cards to the men who are still imprisoned for conscience sake. Cut off from the outside world, with only a few regular correspondents permitted by prison authorities, an avalanche of Christmas cards is a friendly gesture of support and fellowship.

The cards should be individually addressed to the men listed in the Court Reporter column at the address given. Cards should be signed by the sender whose address may be added. Prison regulations do not permit the inclusion of any personal message; nor may gifts be sent to the men. There is no limit to the number of Christmas cards each man may receive.

The list of C.O.'s imprisoned in other countries is much too long to include in NEWS NOTES. Our readers are encouraged to send Christmas greetings to these imprisoned C.O.'s as well. Drop a postcard to NEWS NOTES and we will send the list of prison C.O.'s in other countries.

Green Denied Habeas Corpus

Judge James V. Carter of the U. S. District Court in Los Angeles recently denied Marine Private Peter Green's petition for a writ of habeas corpus. Green sought the writ to compel the Marine Corps to show cause why it should not assign him to noncombatant duty. Green has appealed the decision to the Ninth Circuit Court of Appeals.

J. B. Tietz, attorney for Green, has requested the Secretary of Navy to continue Peter Green on a temporary noncombatant duty assignment pending the outcome of the appeal. Arrangements are being made for Dr. Harold A. Bosley, Green's pastor in Evanston, Illinois, and Methodist Bishop John Wesley Lord of Boston, to interview the Secretary of Navy on behalf of Green.

Peter Green volunteered for the Marine Corps over a year ago. After six months of combatant duty Green asked for assignment to noncombatant duty as a conscientious objector to combatant training. His request was denied, and he was courtmartialed for refusing to obey an order to carry a rifle. The courtmartial sentence was later set aside by the Marine Corps. His appeals to the commandant of the Corps and to the Secretary of Navy were denied and Green was threatened with an order returning him to combatant duty.

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